

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FREE KICK MASTER, LLC,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:15-CV-00727
)	
APPLE INC., et al.,)	Judge Donald C. Nugent
)	
Defendants.)	

REPORT OF PARTIES' PLANNING MEETING
UNDER FED. R. CIV. P. 26(f) AND LR 16.3(b)

1. Pursuant to Fed. R. Civ. P. 26(f) and L.R. 16.3(b), a meeting was held on July 14, 2015, and was attended by:

David Eberhart and Alan Rothenbuecher, counsel for defendant Apple;

John Ulin, counsel for defendant Samsung;

Joseph Gratz, counsel for defendants Amazon and Google; and

Stanley Josselson for Plaintiff.

2. The parties will exchange pre-discovery disclosures required by Fed. R. Civ P. 26(a)(1) and the Court's prior order by 30 calendar days following a ruling on the pending motions to transfer or dismiss, should the Court decline to transfer or dismiss the action.

3. The parties recommend the following track:

- ☐ Expedited ☒ Standard ☐ Administrative
- ☐ Complex ☐ Mass Tort

4. This case is suitable for one or more of the following Alternative Dispute

Resolution ("ADR") mechanisms:

- ☐ Early Neutral Evaluation ☒ Mediation ☐ Arbitration
- ☐ Summary Jury Trial ☐ Summary Bench Trial
- ☐ Case Not Suitable for ADR

5. The parties do not consent to the jurisdiction of the United State Magistrate Judge pursuant to 28 U.S.C. § 636(c).

6. Recommended Discovery Plan: The parties recommend that discovery commence only after the Court has ruled on the pending motions to transfer or dismiss.

(a) Subjects on which discovery is to be sought and the nature and extent of discovery: Plaintiff's ownership and use in commerce of the FREE KICK MASTER mark, Plaintiff's evidence of Defendants' alleged use of the FREE KICK MASTER MARK, use of the FREE KICK MASTER MARK or similar marks by third parties, likelihood of consumer confusion, sales and profits for the accused software applications.

(b) Discovery cut-off date: Should the Court decline to transfer or dismiss the action, fact discovery would be completed by March 4, 2016, opening expert reports served by April 8, 2016, and expert discovery completed by May 20, 2016. If the Court allows Plaintiff to amend its complaint, then discovery deadlines (factual and expert) will require adjustment to allow the Defendants ample time to test the allegations in the amended complaint.

7. Recommended dispositive motion date: dispositive motions to be filed by June 17, 2016.

8. Recommended cut-off date for amending the pleadings and/or adding additional

parties: 28 calendar days following a ruling on the pending motions to transfer or dismiss, should the Court decline to transfer or dismiss the action.

9. Recommended date for a Status Hearing: February 18, 2016.

10. Other matters for the attention of the Court: Each of the defendants has filed a motion to change venue or, alternatively, dismiss the amended complaint. The motions filed by defendants Apple, Amazon, and Google are fully briefed; defendant Samsung has yet to file a reply brief in support of its motion.

Defendant Samsung also has a motion pending to allow its corporate representative to attend the Case Management Conference via telephone.

Should the Court decline to transfer or dismiss the action, the parties will require entry of a protective order to protect any confidential or proprietary information which is the subject of discovery.

Dated July 14, 2015

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 14th, 2015, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

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